

The Examiner rejected claims 1-5, 7-18 and 20 as being unpatentable over ~~Schriner et al (U.S. Patent No. 2,915,427) in view of Reuben (U.S. Patent No. 5,171,619) and~~ Bailey (U.S. Patent No. 4,828,898). Essentially, the Examiner argues that the mat disclosed in the Reuben reference and the mold tool disclosed in the Bailey reference could be used in the method disclosed in the Schriner reference and the combination would render Applicant's claimed methods obvious. Applicant submits that these references do not establish a prima facie case of obviousness with regard to the amended claims. Applicant, therefore, respectfully traverses the rejections.

As amended, claims 1, 9, and 13 disclose methods in which a thermoplastic material having a plurality of nibs extending from one side is placed in contact with a contoured molding tool so that the side with the nibs is directed away from the tool. Thereafter, the material is heated and then drawn toward the tool until it is substantially shaped to the contour of the tool.

In the Schriner reference, a method for making a carpet surfaced plastic mat is disclosed. There are two embodiments of the method discussed. In the first embodiment, a sheet of textile fabric is wetted and then placed in a mold. (Col. 2, Ins. 23-28.) The wet fabric is then pressed down into the mold. (Col. 2, Ins. 37-39.) After the fabric has dried, it is overlaid with a rubber mat blank and suction is applied until the blank is cured. (Col. 2, 45-49.) Thereafter, the fabric may be treated with hot water to raise the pile surface. Importantly, in this embodiment neither the fabric nor the rubber blank is heated until after the suction and curing of the blank has occurred at which time heat, in the form of hot water, may be applied but only to raise the pile surface of the fabric. The method discussed in this embodiment fails to disclose the methods

claimed in amended claims 1, 9, and 13 because heat is not applied to the fabric or the rubber blank before suction is applied.

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In the second embodiment disclosed in the Schriner reference, initially the fabric is treated in a steam press that has a male and a female platen. (Col. 2, Ins. 58-60.) After the fabric has dried, it is transferred to a suction mold for application of the rubber blank. (Col. 2, Ins. 61-63.) Clearly, in this embodiment, a male platen and a female platen are used to form the fabric into the desired contour. Moreover, the fabric is treated in a steam press first and then moved to a suction mold. Thus, the fabric is not subjected to steam while it is in contact with the suction mold. The method discussed in this embodiment fails to disclose the methods claimed in amended claims 1, 9, and 13 because first a male and a female platen are used to form the fabric into the desired contour and second the fabric is moved between the step of heating the fabric and applying suction to bond the rubber blank to the fabric.

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The Rueben reference does not provide different or additional steps that could be used with the method disclosed in the Schriner reference to render Applicant's invention obvious. Simply put, the Rueben reference does not discuss using a molding tool to form material into a desired contour.

The Bailey reference also does not provide different or additional steps that could be used with the method disclosed in the Schriner reference to render Applicant's invention obvious. Unlike the Reuben reference, a method of manufacturing a floor mat is discussed in the Bailey reference. In this method, initially, carpet and foam are brought into juxtaposition and thermofoamable material is deposited therebetween. (Col.7, Ins. 20-25.) The laminated structure is then moved to a shearing station where it is cut to predetermined dimensions. (Col. 7, Ins. 32-34.) Next, the structure is moved to an oven where it is heated. (Col. 7, Ins. 38-42.)

Thereafter, the structure is moved to a mold having both male and female parts where it is shaped. (Col. 7, lns. 42-45 and Fig. 5.) As with the method disclosed in the Schriner reference, the method discussed in the Bailey reference fails to disclose the methods claimed in amended claims 1, 9, and 13 because first a male die and a female die are used to form the structure into the desired contour and second the structure is moved between the step of heating the structure in an oven and shaping the structure in the male and female dies.

The Patent and Trademark Office's burden of establishing a prima facie case of obviousness is not met unless "the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." In re Bell, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993) (quoting In re Rinehart, 189 U.S.P.Q. 143, 147 (C.C.P.A. 1976)). As discussed, none of the cited references teaches or suggests Applicant's claimed invention. The Schriner reference fails to disclose, teach or suggest a method in which a thermoplastic material having a plurality of nibs extending from one side first is placed in contact with a contoured molding tool so that the side with the nibs is directed away from the tool and thereafter is heated and drawn toward the tool until it is substantially shaped to the contour of the tool. Neither the Rueben reference nor the Bailey reference add anything to the Schriner reference that could be included with the method disclosed in the Schriner reference so that all of the limitations included in amended claims 1, 9 and 13 are taught or suggested.

Furthermore, amended claims 1, 9 and 13 are not obvious in light of the Schriner Reuben and Bailey references because these references are not properly combinable to teach or suggest the limitations included in amended claims 1, 9 and 13. "There is no suggestion to combine . . . if a reference teaches away from its combination with another source." Tec Air Inc. v. Denso Mfg. Mich. Inc., 52 U.S.P.Q.2d 1294, 1298 (Fed. Cir. 1999). "A reference may be said

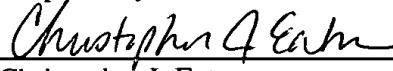
to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant . . . [or] if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant." Id. (quoting In re Gurley, 31 U.S.P.Q. 1130, 1131 (Fed. Cir. 1994).

Applicant submits that the Schriner reference teaches a method for forming a composite laminate material. A person of ordinary skill in the art would not employ the method disclosed in the Schriner reference with the mat disclosed in the Reuben reference because the Reuben mat is already a composite laminated material. Thus, there is no motivation to employ the method disclosed in Schriner with the Reuben mat. Additionally, Applicant submits that there is no motivation to use the die disclosed in the Bailey reference with the Reuben mat. The die disclosed in the Bailey reference includes both a male and a female part. If this die were used with the Reuben mat, the nibs would be flattened and rendered ineffective.

For the foregoing reasons, Applicant respectfully requested that amended claims 1, 9 and 13 be allowed. Since claims 2-5, 7, 8, 10-12 and 14-18 and 20 depend either directly or indirectly from claims 1, 9 and 13 respectively, Applicant submits that these claims are also in condition for allowance for at least the above cited reasons.

Claims 1-5, 7-18, and 20 are thus believed to be novel and non-obvious in view of the prior art. Accordingly, Applicant respectfully submits that the application as amended is in condition for allowance and such favorable action is respectfully requested. If the Examiner believes that a telephone interview would facilitate resolution of any outstanding issues, he is encouraged to contact the undersigned at the number indicated below.

Respectfully submitted,



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Attorney Docket No.: WICP.68041